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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,315	01/28/2004	Raymond Hauser	36400.36US2	5478
25541 7	25541 7590 11/08/2005		EXAMINER	
NEAL, GERBER, & EISENBERG SUITE 2200 2 NORTH LASALLE STREET CHICAGO, IL 60602		. (	FREAY, CHAF	RLES GRANT
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
		10/767,315	HAUSER ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Charles G. Freay	3746				
	The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address				
Period fo	• •	(10.057.TO EVEIDE 0.MONTH)	0) OD THIDTY (20) DAYS				
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DAYS IN THE MAILING DAYS IN THE MAILING DAYS IN THE MONTHS from the mailing date of this communication. Of period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tirn rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE!	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status							
1)⊠	Responsive to communication(s) filed on Augu	st 5, 2005.					
	This action is <b>FINAL</b> . 2b) This action is non-final.						
3)	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	ion of Claims						
4)⊠	4) Claim(s) <u>1-17</u> is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
	5) Claim(s) is/are allowed.						
· · · · · · · · · · · · · · · · · · ·	☑ Claim(s) <u>1-16</u> is/are rejected.						
•	)⊠ Claim(s) <u>17</u> is/are objected to. )□ Claim(s) are subject to restriction and/or election requirement.						
اــا(ه	claim(s) are subject to restriction and/or	election requirement.					
Applicati	ion Papers						
	The specification is objected to by the Examine						
10)	The drawing(s) filed on is/are: a) acce						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
		laminer. Note the attached office	7,00011 01 1011111 1 1 0 102.				
Priority (	under 35 U.S.C. § 119		•				
•	Acknowledgment is made of a claim for foreign  ☐ All b)☐ Some * c)☐ None of:	priority under 35 U.S.C. § 119(a)	)-(d) or (f).				
a)	1.☐ Certified copies of the priority documents	s have been received.					
2. Certified copies of the priority documents have been received in Application No							
	3. Copies of the certified copies of the prior	rity documents have been receive	ed in this National Stage				
	application from the International Bureau	ı (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.							
	•						
Attachmen	at(s)	_					
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da					
3) Infon	mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date		Patent Application (PTO-152)				

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#### **DETAILED ACTION**

# Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiantelassa in view of Ohashi et al as set forth in the first office action.

As noted in the first office action Chiantelassa in view of Ohashi et al discloses the claimed invention. With regards to the material added by amendment Chiantelassa does not disclose that the end caps have first and second surfaces with a plurality of sides connecting the first and second surfaces. There being a charge pump mounted to the second surface. Ohashi et al does however disclose such an arrangement (note for example Figs. 7 and 8). At the time of the invention it would have been obvious to make the fluid passage portion of the Chiantelassa end caps into a separable end cap such as taught by Ohashi et al in order to provide a simply replaceable end cap which allows for easy repair and servicing of the device. Additionally it would have been obvious to provide the charge pump as taught by Ohashi et al in order provide to a higher pressure.

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## Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Response to Arguments

Applicant's arguments filed August 5, 2005 have been fully considered but they are not persuasive. The above rejection addresses the arguments made. Additionally, the following points are addressed. The applicant argued that the system ports be perpendicular to the input shaft is not disclosed or obvious from the references. The examiner notes that in Chiantelassa the system ports (30,31) are perpendicular to the input shaft (8'). Additionally after making the above substitution of an end cap such as taught by Ohashi et al the system ports would still be perpendicular to the input shaft. Additionally the applicant argues that the housing does not have an opening perpendicular to the first and second openings. The examiner disagrees. Fig. 1 clearly shows an opening thru which the shaft (8') extend from within the housing to the outside of the housing.

#### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Æffàiríes G Freay Primary Examiner Art Unit 3746

CGF November 5, 2005